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# General Assembly

Fifty-seventh session

*Official Records*

**72**nd plenary meeting
Tuesday, 10 December 2002, 3 p.m.
New York

*President:* Mr. Kavan ..... (Czech Republic)

*In the absence of the President, Mr. Mamba (Swaziland), Vice-President, took the Chair.*

*The meeting was called to order at 3.10 p.m.*

**Agenda item 25 *(continued)***

**Oceans and the law of the sea**

**Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its third meeting (A/57/80)**

**(a) Oceans and the law of the sea**

**Report of the Secretary-General (A/57/57 and Add.1)**

**Draft resolution (A/57/L.48)**

**(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments**

**Report of the Secretary-General (A/57/459)**

**Draft resolution (A/57/L.49)**

**(c) Agreement for the implementation of the Provisions of the United Nations Convention on the Law of Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks**

**Draft resolution (A/57/L.50)**

**Mr. Motomura** (Japan): At the outset, I would like to express my appreciation to the countries that coordinated the three draft resolutions before us today, namely Brazil, Malta, and the United States of America. My thanks go as well to the countries that contributed to the consultations in a spirit of cooperation.

On the occasion of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the Japanese Government pays high tribute to those who worked so diligently to finalize the text of the Convention, as well as to the countries which cooperated in that work. For the past two decades, the Convention has provided a legal framework for ensuring stability in ocean affairs in such areas as international navigation, ocean transportation and fisheries.

Now, however, the international community is facing a range of new problems relating to the world's oceans. These include, for example, transnational crimes such as terrorism and illegal trafficking in drugs, and the growing pressures on the marine environment. These problems were not anticipated at the time the text of the

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Convention was negotiated. Japan considers that each of them must be addressed in a manner that respects the spirit and provisions of the Convention while maintaining, in principle, its framework.

We are pleased to note that 138 countries and regions have become parties to the Convention and that the Agreement on the implementation of Part XI has 108 State parties. The Convention now provides an almost universal legal framework for ocean affairs, and the number of State parties continues to grow.

The Japanese Government ratified the Convention and the Agreement in 1996 and, as a country with one of the major exclusive economic zones, has faithfully implemented them. We would like to take this opportunity to stress the importance of harmonizing domestic legislation with the provisions of the Convention, with a view to ensuring its universality. Any declaration or statement that is not in line with the Convention should be withdrawn.

Let me now turn my attention to three organs established under the Convention, all of which Japan considers important. First, as one of the major countries engaged in developing mineral resources in the Area and as a member of the Council of the Authority, my Government has actively participated in the work of the International Seabed Authority.

Secondly, with regard to the International Tribunal for the Law of the Sea, since 1997, the year of the first case — the "Saiga" case — the Tribunal has ruled on 10 cases, and we greatly appreciate its activities. It should be noted that Judge Soji Yamamoto plays an important role on the Tribunal.

Thirdly, since its establishment, the Commission on the Limits of the Continental Shelf has been preparing, for instance by drafting the Scientific and Technical Guidelines, for the submission to be sent in by each State party with regard to the outer limits of its continental shelf. The Commission considered the first submission this year and adopted its recommendations on the matter. Japan, for its part, has been supporting the Commission's activities through the expertise of Professor Kensaku Tamaki as member; he was elected to the Commission in 2001, replacing Mr. Hamuro, who had served as a member since 1997.

Japan is committed to continuing its support of these organs. We would like to note that the Japanese Government, as the largest contributor, has been providing approximately one quarter of the budgets of the Authority and the Tribunal. We would like to thank all of the States which showed flexibility and cooperation at the Authority's Assembly session in August of this year in reducing the ceiling of the scale of assessments for the Authority's budget so that it is in line with that of the United Nations regular budget. Furthermore, my delegation would like to ask for the cooperation of every delegation in addressing the issue of the budget of the Tribunal. The Japanese delegation raised that issue at this year's meeting of the States parties of the United Nations Convention on the Law of the Sea (UNCLOS), and will take the initiative of doing so again at the next meeting of the States parties.

I should like now to touch on the marine environment. The arguments with respect to the global environment have progressed significantly since the adoption of the Convention. Indeed, the Earth Summit held in Rio de Janeiro in 1992 and the World Summit on Sustainable Development held in Johannesburg in 2002 focused world attention on issues affecting the global environment.

Surrounded by the sea on all sides, Japan considers the preservation of the marine environment to be extremely important and is committed to the prevention of marine pollution at the national, regional and international levels. As a State party not only to UNCLOS but also to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and the International Convention for the Prevention of Pollution from Ships, Japan is committed to their effective implementation and strongly urges every country that has not yet done so to ratify them. The World Summit that was held in Johannesburg this year will, I believe, prove to be an important milestone in the preservation of the marine environment. My Government intends make substantive contributions at the global level.

As a responsible fishing State, Japan has been working earnestly to enhance the conservation and management, as well as the sustainable use, of living marine resources. The importance of long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks cannot be overstated. We are committed to implementing measures necessary for the conservation and management of living marine resources in order to eliminate illegal, unreported and unregulated fisheries and thus conserve the marine ecosystem.

The world is plagued by the threat of piracy and armed robbery at sea. Over 200 incidents are reported annually; about 60 per cent of them occurred in the Asian region. The Japanese Government has been actively combating these illegal activities by organizing international conferences and seminars in order to strengthen regional cooperation, particularly in South-East Asia, with a view to suppressing and preventing these crimes.

With regard to paragraph 33 of draft resolution A/57/L.48, I am happy to mention that yesterday my Government signed the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. This is part of the action that the Japanese Government is making to ensure maritime safety for international navigation.

The next area I wish to touch upon is marine science and technology. Oceans, which occupy 70 per cent of the world's surface, not only contain vast resources but also play an important role with respect to the global environment. Not all functions of the oceans, however, have been analysed by scientists yet. Research is, therefore, essential in such areas as climate change and natural disasters. This will require international cooperation and, in the best interests of humankind, the results of the research must be shared and made widely available. To that end, my Government is determined to cooperate with the research programmes promoted by such international organizations as the World Meteorological Organization, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and the United Nations Environmental Programme.

Lastly, I would like to express our appreciation to the Secretary-General and the Secretariat for all the work that went into the annual report of the Secretary-General (A/57/57), which describes the entire range of activities that have been conducted on ocean affairs and the law of the sea. I would like to reiterate that the open-ended informal consultative process, which was inaugurated in 2000, has been an important forum for promoting discussion of these matters. My delegation welcomes the decision to be taken at this session of the General Assembly to continue the consultative process for the next three years.

In conclusion, I would like to recall that, as the preamble of the Convention states, "the problems of ocean space are closely interrelated and need to be considered as a whole". Thus we must engage in comprehensive management of the natural riches that our oceans and seas contain. Every State must cooperate, both regionally and internationally, with a view to promoting the interests of future generations with regard to the sea. The United Nations Convention on the Law of the Sea has played a significant role in our efforts to that end, and I am certain that it will continue to do so in the future as well. I would like to assure the Assembly that my Government will contribute to the stability of the legal framework of ocean affairs and thereby to the promotion of the use of the seas by the international community, in accordance with the Convention.

**Mr. Mahbubani** (Singapore): It is depressing once again to be standing here addressing an empty Hall. In the General Assembly, that seems to be the norm nowadays. But I am consoled by the thought that, at yesterday's commemorative ceremony, we had a full house and full support. In that regard, I want to thank Ambassador Don MacKay of New Zealand for his leadership and his guidance, in his capacity as President of the Twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea, and to commend him and his team for the outstanding organization of yesterday's commemorative event.

Let me begin by thanking and commending the Secretary-General and his team of dedicated colleagues in the Division for Ocean Affairs and the Law of the Sea for their tremendous efforts in producing the well-written, comprehensive and valuable reports on matters relating to the oceans and the law of the sea (A/57/57 and Add.1, and A/57/459). The reports present a clear and concise record of all our efforts and of developments relating to the oceans and the law of the sea.

Today, we are marking the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). That historic event 20 years ago marked the culmination of more than 24 years of hard work involving more than 150 countries to establish a comprehensive legal regime dealing with all matters relating to the law of the sea. The Convention entered into force on 16 November 1994. Its significance is far-reaching, and its accomplishments are impressive. I should like to mention just three of them.

First, UNCLOS is the first comprehensive convention that provides a legal framework governing

all aspects of the uses and the resources of the world's oceans and seas. But it is more than the mere codification of pre-existing law. UNCLOS contains many new and innovative concepts, including the right of transit passage through straits used for international navigation, archipelagic baselines, archipelagic sea lanes and exclusive economic zones. As several speakers pointed out yesterday at the ceremony, the Convention is truly a constitution for the oceans.

Secondly, the Convention has helped to promote peace and security as well as law and order in the ocean space by replacing a plethora of conflicting claims by coastal States with universally agreed limits for the territorial sea and other maritime zones.

Thirdly, and most important, the Convention represents the triumph of the rule of law. Indeed, it is one of the finest achievements of the United Nations. It is the first multilateral treaty that contains mandatory provisions for the settlement of disputes. To date, more than 140 parties, together with the European Community, have ratified or acceded to the treaty. Equally important, even those that are not yet parties to the treaty are abiding by it in practice. Those are impressive achievements; we should not take them for granted.

We have accomplished much in the past 20 years, but we continue to face many challenges. I would like to highlight just two of those challenges in my remarks today.

The first challenge is that the pollution, overexploitation, destruction and degradation of marine ecosystems continue to threaten the supply of precious ocean resources. The oceans and seas are the cradles and nurturers of life on this planet; without them, we would not be here. They are the main drivers of the Earth's life cycle; the transporters of heat, oxygen, nutrients, plants and animals around the globe; and the providers of food, minerals, metals and fossil fuel. According to some estimates, the combined value of ocean resources and uses is approximately $7 trillion annually. The World Bank has projected that, by 2008, some 4.5 billion people will live within 60 kilometres of the coasts. The consequent significant increase in population and in economic activities, including fish farming, oil and gas exploration and maritime traffic, has placed immense pressures and demands on the oceans and the seas, and indeed will continue to do so.

We can do better in our efforts to reverse the degradation of the marine ecosystem. Indeed, we must do better to ensure the long-term sustainability of marine resources. Sustainable development and protection of the marine environment require an understanding of all aspects of the oceans and the seas. Marine scientific research is thus an important element in the management of marine ecosystems. Concrete results will depend on capacity-building at both the national and the regional levels, and on the transfer of technology between developed and developing countries.

I would now like to turn to the second challenge: the need to ensure maritime safety and security. I am glad that Ambassador Motomura of Japan, who spoke immediately before me, also addressed that issue. As a maritime nation, Singapore takes a serious view of all potential threats to safe and free navigation. Piracy and armed robbery inflict economic costs on the shipping industry, threaten the security of coastal States and endanger the lives of seafarers. The 11 September 2001 attacks on the United States have added new dimensions to the dangers we face at sea. They have brought to the forefront the threat of terrorism on the high seas and the danger of terrorists linking up with pirates to attack ships in port. The international community must act in unison to combat such threats, both old and new, and to eradicate the scourge of terrorism. Commitment to multilateralism and to collaborative international action has never been more important.

In that regard, Singapore welcomes and supports the International Maritime Organization (IMO) initiative to review its measures and procedures aimed at preventing acts of terrorism at sea and at safeguarding shipping. For our part, we have assisted the IMO in hosting regional meetings to develop regional cooperative arrangements to deal with piracy and sea robberies in the Straits of Malacca and Singapore and in the South China Sea. We have also recently decided to accede to the 1988 Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Currently, we are working on the enactment of the legislation necessary for our accession to that Convention.

I am also glad to share with the Assembly the fact that Singapore, on its own and together with its neighbours, has contributed significantly to ensuring that our region — in particular the Straits of Malacca and Singapore — remains safe and open to shipping. We have a long history of close cooperation with Indonesia and Malaysia in enhancing safe navigation in the Straits. For instance, the Indonesia-Singapore

Coordinated Patrols against sea robbery in the Singapore Straits have been successful in stemming unlawful acts in the Straits and have been cited by the IMO as a possible model for cooperation among enforcement agencies of various countries aimed at dealing with unlawful acts at sea. Our own national efforts to address the problem of sea robberies have also been successful, and we are pleased to report that, since 1990, there has not been a single sea robbery in our waters. But we cannot become complacent. Singapore will continue to work with its neighbours and other stakeholders to promote cooperative efforts to deal with threats to safe and free navigation in our region.

In conclusion, the ability of the international community to respond effectively to the many challenges in ocean and sea affairs is greatly dependent on our ability to cooperate and to work together. To quote Helen Keller, "Alone we can do so little; together we can do so much". Today, as we celebrate the twentieth anniversary of the opening for signature of the Convention, let us also renew our global commitment to work together in addressing the challenges ahead.

**Mr. Mahendran** (Sri Lanka): Yesterday, we participated in an impressive commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

We had the privilege of listening to several eloquent and inspiring statements by colleagues, on progress in the regulation of the uses of the oceans and their resources, brought about through the Law of the Sea Convention. With your permission, we would like to take a few minutes to speak briefly, perhaps for the benefit of some of our younger colleagues, of the outstanding contribution of some of our predecessors who worked towards development of the Convention, in particular the contribution of one of my distinguished predecessors, Ambassador Hamilton Shirley Amerasinghe, when he was Permanent Representative of Sri Lanka. Perhaps it is more appropriate than ever that I speak today, 10 December, since it was on that day 20 years ago that Sri Lanka signed the Final Act and the Convention that bring us together today.

Following the historic proposal by Malta's Permanent Representative, Ambassador Arvid Pardo, that the seabed beyond national jurisdiction should be declared the common heritage of mankind — a proposal that Sri Lanka co-sponsored when the General Assembly established an ad hoc committee to study that proposal, Ambassador Amerasinghe was elected Chairman of the committee, and presided over it commencing with its first meeting in Rio de Janeiro in 1967.

When the General Assembly established a regular committee to continue working on the subject, Ambassador Amerasinghe was, by acclamation, elected its Chairman. His leadership continued when the Committee was converted into a Preparatory Committee to organize a third Conference on the Law of the Sea, and when that Conference held its first organizational session in New York in 1973, Ambassador Amerasinghe was once again elected its President by acclamation.

From the commencement of work in 1967, until his untimely death in 1980, a period of some 13 critical years in the development of the modern law of the sea, Ambassador Amerasinghe guided the work of hundreds of participants, including legal, technical, scientific and naval experts. Although he was not an expert in any of those fields, Ambassador Amerasinghe contributed to the presidency of this conference, the largest of its kind at the time, a brilliant analytical mind, firmness combined with unimpeachable integrity, and an understanding of what it takes to make a good agreement. Out of a daunting array of disparate and often conflicting proposals before the Conference, he was able, with the cooperation of the delegations, a few of whom are here today, and later with the help of a collegium of his peers, consisting of the chairmen of the main committees, to forge successive drafts of a series of negotiating texts leading to a document that was to become the United Nations Convention on the Law of the Sea, signed at Montego Bay twenty years ago.

I would like to note, in addition, that while Ambassador Amerasinghe was engaged in this historic work, he was also called upon to carry a heavy burden in other committees.

The Conference and the United Nations itself were fortunate that, upon Ambassador Amerasinghe's death in 1980, the torch should pass to another outstanding diplomat, this time one who was also an outstanding legal scholar, Ambassador Tommy Koh of Singapore, to whom we warmly pay tribute today.

The Convention on the Law of the Sea is one of the major achievements of the United Nations, as has been repeatedly stressed. The Convention is a multilateral instrument that gives hope for the

promotion of the maintenance of peace and international security and establishes an equitable basis for the uses of the oceans and sharing of their resources.

We have before us three important draft resolutions, which my delegation is able to support. We see them as a further positive step in attaining consensus in dealing with the challenges of the oceans. The general resolution on "Oceans and the Law of the Sea" is of particular interest to us. We would like to express the hope that operative part VII of that resolution, on the work of the Commission on the Limits of the Continental Shelf, part X on capacity-building, part XI on the sustainable development of marine resources, part XIII on the Open-ended Informal Consultative Process, and part XVI on trust funds will move Member States to action in the areas of activity covered by them.

The Convention also recognizes the need to promote the development of marine science and technology and to facilitate the strengthening of those capacities among developing countries.

We consider important that capacity-building is addressed in the draft resolutions. We also strongly endorse the emphasis given to the protection and preservation of the marine environment, integrated management of the seas, and safeguarding of marine ecosystems.

We also welcome the recognition of the work and the need to extend the consultative process in complementing the work of the Meeting of the States Parties.

We note, Mr. President, the successful work carried out by the International Seabed Authority and the work it has accomplished in developing the rules and regulations of seabed mining.

We also note the continued contributions of the International Tribunal for the Law of the Sea in the interpretation and application of the Convention, and its expeditious procedures that have served well the need to deal with the prompt release of vessels and crews and requests for provisional measures submitted to it.

Sri Lanka has a special interest in the work of the Commission on the Limits of the Continental Shelf and is especially appreciative of the developments in that respect and the work being done by the Commission.

Many speakers have expressed the view that the Convention has proved to be substantially viable, has stood the test of time and has well served the needs and expectations of the international community, despite changes that have taken place over the course of its 20 years of existence.

We wish to pay tribute, not only to the framers of the Convention, but also to the Secretariat of the United Nations that has served the Convention on the Law of the Sea. Today, we express gratitude to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. We also thank the negotiators who have so successfully formulated the three draft resolutions before us today, which we support.

**Mr. Manalo** (Philippines): For many centuries the oceans have represented greatness and the virtues of strength. The breadth and depth of the oceans, both in terms of dimensions and resources, and their impact on human life and existence, overwhelm the imagination. The oceans cover almost 75 per cent of the surface of the Earth and comprise 90 per cent of its water resources. Over 90 per cent of all life makes the oceans home. The oceans have supported and given life and livelihood to man, both as a resource and as a tool for man's activities.

By the middle of the twentieth century, the then existing principles of international law began to show their inadequacy in guiding the use of the oceans. In 1970, the General Assembly declared that "the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ... as well as the resources of the area, are the common heritage of mankind". (*2749 (XXV)*)

In 1973, the Third United Nations Conference on the Law of the Sea was convened, thus beginning the decade-long efforts to establish a "constitution for the oceans". According to the General Assembly, the philosophical precept for a comprehensive legal framework for the oceans was rooted in the consciousness that the problems of ocean space are closely interrelated and need to be considered as a whole. By dint of the resolve of the people we honoured at yesterday's event, and of the more than 160 countries that participated in the negotiations, we now have the United Nations Convention on the Law of the Sea, a legal framework comprised of 320 articles and 9 annexes and governing all aspects of ocean space, including the exercise of sovereignty and jurisdiction of coastal States, the promotion of marine scientific research for economic and social

development, the protection and conservation of the marine environment and the settlement by peaceful means of disputes concerning ocean space.

Former Secretary-General Javier Perez de Cuellar pronounced 20 years ago that the Convention irrevocably transformed international law. Today, the Convention has attained a universal character, as almost all countries, including those that are not States parties, abide in practice by the principles enshrined in the Convention.

Indeed, there are ample reasons to celebrate the achievements of the past 20 years. But our celebrations must remain circumspect, tempered by the reality of the present, and mindful that daunting challenges loom in the future. Today's event — and yesterday's — must propel us to a higher level of vigilance to protect and preserve the maritime commons.

It may, therefore, be useful to consider the condition of the oceans in our region, Asia, to illustrate the great challenges facing the international community. The coastal ecosystems of Asia are damaged. In the last 30 years, a full two thirds of that period with the Convention in place, 11 per cent of coral reefs have collapsed, 48 per cent are in critical condition, while a total of 80 per cent are at risk. Mangroves, on the other hand, have lost 70 per cent of their cover in the last 70 years. Unless remedial measures and effective management are conducted to conserve these ecosystems, at the current rate of loss all mangroves would disappear by 2030 and coral reefs could suffer total collapse within 20 years. Fish production has also fallen in Asia. Peak production was reached in 1988 and 1991 in the Northwest Pacific Ocean and West Central and South-West Pacific Ocean, respectively. Data from these regions show that change in catch from peak year to 1992 ranged from 2 to 10 per cent. Open access and over-fishing have hastened the decline in fish production in Asia.

Growing population and increasing international trade have also affected ocean space. Again, the Asian region provides a clear illustration of this point. There are, today, a total of six coastal mega-cities in East Asia with more than 10 million people. It is predicted that this number would increase to eight by 2015. With the trend of urbanization at a high level, the populations of smaller coastal cities in Asia are experiencing rapid growth. The ever-enlarging and increasing number of population centres in coastal areas can adversely impact the health of the ocean space, ranging from increased pollution to the degradation and depletion of marine resources.

Trade in East Asia as a share of gross domestic product has been increasing rapidly. Concomitant to this growth in trade has been the proportionate growth in sea-borne trade, especially containerized trade. It is estimated that East Asian ports would handle around 50 per cent of the total volume of world containers by 2005. While generally considered as a boon to progress, the increase in worldwide sea-borne trade has an undesirable consequence — the growing incidence of oil spills and unmitigated waste dumping by transport vessels. According to some estimates, about 300 oil spills, with over 200 million gallons of oil, were spilled in the South-East Asian region since the mid-1960s. As recently as last week, the Maritime and Port Authority of Singapore reported that hundreds of tonnes of crude oil spilled into the sea 40 kilometres off Singapore when a freighter collided with an oil tanker. In Europe, the sinking some weeks ago of a tanker also caused a large oil spill, damaging the marine environment. In the next 20 years, international trade is anticipated to triple in volume, with 80 to 90 per cent of it carried through shipping.

Aside from these concerns, advances in technology also place enormous pressure on the effectiveness of the legal framework established in the Convention. New discoveries of micro-organisms, in view of enhanced capacities in scientific research in the oceans, could bring to the fore complex legal questions on ownership and the legal status of such discoveries. Advancing technology in the prospecting, exploration and exploitation of the maritime commons would also intensify demands to effectively manage these activities. These considerations would involve the complex intersection of economics, law and politics — a challenging scenario for the international community.

The depredations of man to attain illegal gain also pose a grave threat to the security and safety of the maritime commons. For centuries, the international community has been besieged in ocean space by organized crime and other illegal acts. Without sustained global attention and action to interdict acts of terrorism, piracy, smuggling of migrants, illicit traffic in narcotics, arms and other goods, as well as illegal fishing practices, the maritime commons would become highly unsuitable for the enjoyment of humankind.

Many of the problems being faced today, and in the future, by the international community in relation to ocean space transcend national boundaries. Threats against the oceans do not respect legal and political frontiers and limits. We all share a common heritage in the oceans. There would be no safe haven from the challenges we face without concerted efforts at the national, regional and global levels. It is beyond the capacity of any Government or nation to curtail all the perils against the maritime commons. International cooperation is needed to ensure the health, safety and security of the oceans.

More than three decades ago, our progenitors in the General Assembly found the resolve and political will to forge a comprehensive legal framework to save our oceans. It is through their persistence and commitment that we now have the United Nations Convention on the Law of the Sea. The Convention is one of the major accomplishments in international law in the twentieth century. It has served as, and will continue to be, the fulcrum on which to enjoy and preserve the oceans, through a comprehensive legal framework on all aspects of the ocean space.

Twenty years after the adoption of the Convention, our generation faces a set of new challenges in relation to the oceans. It is up to us to convert these challenges into opportunities by employing the "constitution for the oceans" to preserve our common heritage for our children and succeeding generations.

**The Acting President**: I now give the floor to the representative of Costa Rica, who will speak on behalf of the Rio Group.

**Mr. Stagno** (Costa Rica) (*spoke in Spanish*): I have the honour to speak on behalf of the 19 members of the Rio Group — Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela, and, of course, my own country, Costa Rica.

The member countries of the Rio Group are pleased to be celebrating the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. The role of this legal instrument in regulating ocean affairs is of paramount importance.

The contributions that the countries of our region have made to the rules enshrined in this Convention are many. I wish to particularly emphasize the 1952 Santiago Declaration on the 200-mile maritime zone, signed by Peru, Chile and Ecuador, and subsequently by Colombia. That doctrine, which establishes economic sovereignty as well as sovereignty over the conservation of natural resources for 200 miles, was a worthy, visionary and progressive contribution to the formulation of the new law of the sea in that it generated a new legal doctrine that was subsequently endorsed — under the term "exclusive economic zone" — by the rest of the countries of the region, as well as the entire world.

The commemoration held yesterday emphasized not only the achievements made since the entry into force of the Convention, but also the challenges that we must still overcome in order to achieve its full implementation.

Oceans affairs are numerous, complex and interrelated. It is worth recalling the importance of issues related to fishing, the deterioration of the marine environment, land and vessel pollution, safety on the seas and marine science and technology in conserving the global ecosystem, the food security of the world's population and the well-being of all humankind.

The States members of the Rio Group note the progress achieved in the consolidation of the legal regime established by the Convention. We are convinced of the Convention's essential character in terms of activities related to oceans and seas. With respect to the 1995 Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Rio Group recognizes the importance of reaffirming this Agreement in the draft resolution as well as the outcomes of the World Summit on Sustainable Development, recently held in Johannesburg, particularly the agreements on the conservation and organization of straddling fish stocks and highly migratory fish stocks.

However, we believe that the strictly political nature of those outcomes should not be overlooked, particularly paragraph 31 (e) of the Summit Plan of Implementation. That Plan cannot, under any circumstances, amend the norms of the Convention that attribute exclusively to coastal States the sovereign right to determine the permissible total catch in its exclusive economic zone. Therefore, we believe that reference to the outcomes of the Summit should be interpreted in such a way that it is compatible with the basic provisions of the Convention.

On the other hand, we wish to emphasize, in that context, the entry into force of the 1995 Agreement on

Straddling Fish Stocks and Highly Migratory Fish Stocks. We note with satisfaction the decision to begin in 2004 a comprehensive evaluation process of the marine environment. That initiative reflects the growing certainty about the integrated nature of ocean affairs and the urgency to understand in depth the dynamic of its interrelatedness.

We also emphasize the submission, to the International Seabed Authority, of the first reports of companies responsible for the prospecting and exploring for polymetallic nodules. In that context, we reiterate our conviction that it is necessary to continue the process of elaborating norms for the protection of the marine environment and the conservation of natural resources in the zone. We note with satisfaction the progress in the work of the Commission on the Limits of the Continental Shelf, and we congratulate the Russian Federation for presenting the first submission to set the outer limits of its shelf.

The States members of the Rio Group note with concern how indiscriminate fishing activities on the high seas affect adjacent jurisdictional zones, given that they deplete the natural resources in the zone and hinder conservation efforts.

We note with alarm the increase in illegal activities carried out at sea, including the illicit traffic in drugs, weapons, munitions and persons along maritime routes. The coordinated action of all nations at all levels is necessary to overcome this growing challenge.

Similarly, we are concerned by the maritime transport of radioactive material and harmful waste and the lack of adequate regulation providing sufficient guarantees to coastal States. We find of particular concern the use of the Pacific Ocean and the Caribbean Sea as transport routes for radioactive waste and call for strict compliance with the highest security standards and norms, as well as the improvement of existing norms.

The Rio Group welcomes the renewal of the mandate of the Second Open-ended Informal Consultative Process on Oceans. Renewal of that mandate responds to the contribution that that mechanism has already made for deeper and more effective coordination with regard to marine affairs. The deliberations carried out at the third meeting of the Consultative Process contributed particularly to the incorporation of an important chapter on oceans in the Johannesburg Plan, as well as the adoption of a goal to reduce over-fishing.

As to the next meeting of the Consultative Process, we believe that the items agreed to form a set of subjects of interest and immediate relevancy: the protection of vulnerable marine environments and navigational safety. We are also pleased that the item on technical capacity has already been incorporated. That item is a priority for developing countries. In that context, it is worth emphasizing the need to develop mechanisms and international cooperative programmes to promote the dissemination of marine science and technology to developing countries.

Aside from the renewal of the mandate of the Consultative Process, we believe it necessary to strengthen joint action within the framework of mechanisms envisaged by the United Nations Convention on the Law of the Sea.

The jurisdictional zones of several of the States members of the Rio Group include considerable areas of maritime spaces. Our geographic proximity and, in some cases maritime proximity, create a set of common interests. We believe that the best way to approach those common interests is through initiatives that promote regional and subregional cooperation for the integrated organization of coastal and ocean zones, the protection of vulnerable marine ecosystems and capacity-building for the coordination of all the aspects covered by the Convention, among others.

In that context, we note with satisfaction the fact that during the most recent meeting of the Consultative Process, as well as in the Secretary-General's report, the central role of regional cooperation in the orchestration of the Convention is recognized. For that reason, the Rio Group welcomes the inclusion in the draft resolution of a special section designed to document regional and subregional initiatives.

Finally, we wish to highlight the holding of the Caribbean Conference on Maritime Delimitation, held in Mexico City from 6 to 8 May 2002, which seeks to facilitate the holding of voluntary delimitation negotiations among the Caribbean nations.

**Mr. Boisson** (Monaco) (*spoke in French*): Throughout its history, the Principality of Monaco, whose maritime space has been important, particularly if compared to the small size of its territory, has always linked its fate to the sea, particularly since the establishment of the law of the sea in 1330 and two centuries later the right to cast anchor. Those rights guaranteed both freedom of navigation and assistance

and protection of seafarers and reliable shelter in the port of Hercules. Monaco has also been profoundly concerned with and involved in the lengthy and complex negotiations led only 20 years ago, on 10 December 1982 in Montego Bay, Jamaica, resulting in the adoption of the United Nations Convention on the Law of the Sea, which it signed on that same day along with 118 other delegations.

This is an opportunity to pay tribute to all the legal scholars who were involved in this lofty undertaking — those who are well known and those who are more obscure — and to express to them our gratitude for their contributions to the elaboration of this text of outstanding content and wide scope.

Although the Convention, which entered into force on 16 November 1994, is not yet universal, it now has 130 States parties. Therefore 10 December 1982 is a red-letter day not only for my country but also for the great majority of the countries represented today in this Hall. Be they large or small sea Powers, or even if they have no sea space at all, all of them recognize the appropriateness and the fundamental usefulness of this text, which brings together and harmonizes the customs and traditions of the past with today's requirements, including the most stringent economic ones.

Monaco feels that it is in perfect harmony with the provisions of this instrument, which have inspired many of its actions at both the national and international levels.

Monaco's code of the sea is an accurate reflection of the Convention's provisions. The delimitation in 1984 of its territorial waters and of the limits of the ocean areas beyond its territorial sea, over which, in accordance with international law, the Principality has sovereign rights, is also a result of that Convention.

Today it is beyond question that part II of the Convention, which deals with the territorial sea and the adjacent zone, has made a major contribution to the settlement of disputes among States — disputes that could have led to litigation or even to armed conflict.

The exclusive economic zone, to which part V of the Convention is devoted, reflects, given its innovative character, aspirations that early international law had not truly and clearly taken into account. The same could be said of part XI of the Convention the Agreement on its Implementation, which, as stated in its preamble, represents a major contribution to the maintenance of peace and to justice and progress for all peoples of the world.

The Principality of Monaco supports with conviction the fundamental principle — a wise and judicious one — that is formally reaffirmed in the Convention: that the deep seabed beyond the limits of national jurisdiction and the resources thereof are the common heritage of humankind.

In the same spirit, the Convention's provisions on the continental shelf and the creation of a Commission on the Limits of the Continental Shelf are of major importance in the strengthening of effective international cooperation in that area. The International Tribunal for the Law of Sea takes this same consideration into account, and we appreciate its efforts.

An area of the Convention to which His Serene Highness the Sovereign Prince and the highest authorities of Monaco attach particular importance is dealt with in part XII of the Convention, and here I am speaking of the protection and preservation of the marine environment. Such protection and preservation are a longstanding tradition in my country. We have always considered that one should study and carry out scientific research in this field, as stated, quite rightly, in part XIII of the Convention.

The pioneering work carried out in this field by Prince Albert I of Monaco, one of the founders of modern oceanography, is widely recognized. However, let us recall that this experienced and tireless navigator carried out, at the beginning of the last century, many successful scientific undertakings — often very difficult ones — in order to study phenomena that were not well known at the time, such as the sea currents and their influences, including their influence on the climate.

The Oceanographic Institute founded by Prince Albert I in Paris in 1906 and the Museum of Oceanography, inaugurated in Monaco in 1910, even today are tangible evidence of the pioneering work of the Prince and of his intimate involvement with the sea.

Let me recall also that two major international institutions are located in the Principality of Monaco. The first is the International Hydrographic Organization, established in 1922 as an intergovernmental office, whose work and initiatives in the area of marine cartography are well known and much appreciated by seafarers and navigators. The Institute has observer status in the General Assembly.

The second is the Marine Environment Laboratory, which opened its doors in 1961. It is an organ of the International Atomic Energy Agency (IAEA), entrusted with the study of radioactivity in the marine environment and equipped with an underground laboratory that was built to shield it from cosmic radiation.

Finally, it is important, in the same context, to note the establishment, on the initiative of His Serene Highness Prince Rainer III, of the Monaco Scientific Centre, whose primary work, for more than 40 years, has been related to the sea. In fact, its Secretary-General is a doctor of oceanography.

Among the research programmes promoted by Prince Rainier III — and one that is of the highest relevance in the struggle against the greenhouse effect — is the study of coral and its remarkable role in carbon fixation.

It has also become a tradition for the Principality of Monaco to work for the protection and the preservation of the marine environment. It was the first State to ratify the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, adopted at Malta last January.

This new Protocol complements the agreements already reached between France, Italy and Monaco within the framework of the Ramogepol Plan, whose goal is to combat accidental pollution. Combating this type of pollution is more important now than ever. Indeed, we have been witness once again — this time in Spanish Galicia — to the irresponsibility of certain petroleum-product carriers, guided only by short-term profits. The Government of Monaco would like in this respect to express its sentiments of deep solidarity to the Spanish authorities and to the people who were so severely and unjustly affected by this ecological disaster.

My delegation is a co-sponsor of the three draft resolutions that the General Assembly will adopt at the end of this debate. It welcomes in particular the entry into force on 11 December 2001 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

Convinced that the problems of ocean space are closely interrelated and need to be considered as a whole, from an integrated, interdisciplinary and intersectorial perspective, the Principality of Monaco recognizes the importance of the Open-ended Informal Consultative Process on oceans and the law of the sea, and it unreservedly supports the establishment by 2004 of a process of analysis and evaluation, at the global level, of the state of the marine environment.

The renewal of the mandate of the Informal Consultative Process for a further three years is a very welcome recognition of the importance of the quality of the work carried out within that framework. The exchanges of views that take place in that context make it possible to better appreciate and coordinate the efforts of the various partners.

The themes on which the debate will focus in June 2003 are of great interest to my country. The strengthening of capacities for the production of nautical charts, including electronic charts, should be the focus of attention of Member States. The International Hydrographic Organization, to which I referred earlier, strikes us as being one of the institutions whose experience in the matter deserves to be shared.

Every year the responsibilities of the Division of Ocean Affairs and Law of the Sea of the United Nations increase. When preparing the biennial budget for 2004-2005, the States Members of the United Nations, which continue to rely on the competence and experience of the Division's officials, must take that fact into account. The quality of the information contained in the report of the Secretary-General, the integrated follow-up to the Convention and its related agreements and instruments, as well as the Johannesburg Summit depend on it to a very great extent. The Division is at the very heart of international coordination efforts. It must therefore be granted the human and financial resources that are essential to its work.

I should like to conclude by stressing the degree to which the United Nations Convention on the Law of the Sea has become an essential element of the body of international standard-setting instruments. Since its adoption 20 years ago and its entry into force less than 10 years ago, it has gained pivotal importance, both because of its great juridical quality and also because of the fact that it deals in depth and exhaustively with all the fundamental questions relating to the law of the sea. It is the flagship of an imposing fleet of international norms for which it acts as an invaluable reference — indeed, a steady helm.

**Mr. Theron** (Namibia): My delegation welcomes this opportunity to address the Assembly as we commemorate the twentieth anniversary of the adoption of the United Nations Convention on the Law of the Sea. Twenty years ago, in Montego Bay, Jamaica, the United Nations Convention on the Law of the Sea was adopted. It was a significant landmark in the history of evolution of international law, in particular the law of the sea. On that day, 119 States signed the Convention; today there are 142 States parties to it. Indeed, it is fast approaching universal participation. In addition, the institutions provided for in the Convention have been established and are performing their vital functions. These are the International Seabed Authority, which is preparing the ground for future activities in the area; the International Tribunal for the Law of the Sea, which adjudicates disputes; and the Commission on the Limits of the Continental Shelf, which is involved in determining the outer limits of the continental shelves beyond 200 nautical miles from baselines.

Together with the two implementing Agreements, the Convention sets out the legal framework within which all activity related to the oceans and seas must be carried out. Despite the presence of the legal framework, however, the challenges faced by the international community, especially in sustaining the health of the oceans, are formidable, as was recently reiterated at the World Summit for Sustainable Development, held in Johannesburg.

The need for sustainable development cannot be overemphasized, since the oceans and seas today provide a large percentage of the resources vital for the existence of humankind. However, in order for us to be successful, there is a need for capacity-building to ensure that all States, in particular developing countries, are able both to implement these instruments and to benefit from the sustainable development of the oceans and seas.

Namibia attaches great importance to the entry into force of the Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which has the objective of ensuring the long-term conservation and sustainable use of such fish stocks. If we are to succeed in these goals, we must promote international cooperation as envisaged in the provisions of the Convention and of the Agreement, as well as in accordance with the provisions of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations.

International cooperation should, inter alia, enhance the ability of developing States to conserve and manage such fish stocks through the implementation of part VII of the Agreement. The implementation of part VII of the Agreement is fundamental to developing countries if they are to meet their obligations and realize their rights under the Agreement. In this context, we support the call to establish a trust fund, within the United Nations system, dedicated to part VII, to support developing States parties.

Namibia also continues to support the efforts to curb large-scale drift-net fishing on the high seas. Namibia itself has banned drift-net fishing in its waters. We also believe that international cooperation to combat illegal, unreported and unregulated fishing should be strengthened. For our part, we have undertaken successful surveillance and enforcement measures to deter unauthorized fishing in our waters. We are committed to the conservation and management of fisheries in the area under our national jurisdiction and on the high seas.

In conclusion, it would be remiss of my delegation not to commend the Secretariat for the comprehensive and well-researched reports before us. Let me also reiterate that Namibia remains committed to the protection and preservation of the marine environment, as reflected in the United Nations Convention on the Law of the Sea and related instruments to which we are party. Namibia has therefore joined in sponsoring all three draft resolutions under the agenda item, "Oceans and the law of the sea".

**Mr. Kuchinsky** (Ukraine): This year's debate is especially notable, as it marks the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea. This solemn occasion provides a good opportunity for us to reflect on the remarkable contribution the Convention has made to the conduct of international maritime relations.

Starting in 1973, the Conference on the Law of the Sea negotiated a global regime for the oceans so as to replace uncertainty and the risk of conflict with order, stability and the clarity of law. Together we have travelled a lengthy path through thousands of hours of negotiation and debate in order to shape a more

peaceful world in which universal and national interests are harmoniously combined. Today, everyone can see how far we have come, and everyone knows how indispensable that work has proved to be.

The Convention is a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop the international law of the sea. Its importance is even more evident today. UNCLOS represents not only a charter within which all activities related to oceans and seas should be carried out, but also a basis for a comprehensive system of economic and political cooperation on marine-related matters.

The main framework for the new international order of the oceans was laid down in the Convention and in the agreement relating to the implementation of its Part XI, but only certain building blocks were set in place with regard to fisheries on the high seas. In that respect, we cannot fail to emphasize the paramount importance of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which provides a framework for conservation and management of those stocks on the basis of the principle of responsible fishing on the high seas. As a country that is actively participating in international efforts to preserve the marine environment and to maintain and manage fish stocks, Ukraine notes with satisfaction the Agreement's entry into force.

The institutions established within the framework of the Convention — namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — are essential components of the global system for the rule of law on the oceans and of the maintenance of peace and security there.

We note with satisfaction the effective functioning of the International Seabed Authority. A very significant achievement in its work is that, after the conclusion of 15-year exploration contracts with the pioneer investors, the Authority has completed its first examination of the annual reports submitted by contractors. Ukraine welcomes the fact that the draft resolution to be adopted on oceans and the law of the sea (A/57/L.48) takes due note of the work done.

We reaffirm the importance of the International Tribunal for the Law of the Sea. It has played a crucial role in the process of interpretation and implementation of the 1982 Convention and of the Agreement. Since the Tribunal issued its first judgement, on 4 December 1997, it has decided 10 cases. My delegation is encouraged by the achievements of the Tribunal and hopes for new achievements in the future.

Great progress has been made by the Commission on the Limits of the Continental Shelf, which has received its first submission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, made by the Russian Federation. The beginning of the Commission's consideration of submissions by coastal States marks an important step towards full implementation of the Convention. At the same time, most developing countries face substantial difficulties in the process of preparing such submissions, primarily because of a lack of the necessary technical, scientific and financial resources. In referring to that issue, my delegation welcomes the provisions of the present resolution on the oceans and the law of the sea concerning assistance to coastal States in their efforts to comply with the provisions of article 76 of the Convention.

We also welcome the decision of the Twelfth Meeting of States Parties to the Convention to grant observer status to the Commission on the Limits of the Continental Shelf, which will help to establish the proper interrelationship among the States Parties Meeting and all three bodies established on the basis of the Convention — the Authority, the Tribunal and the Commission.

Despite considerable progress in the implementation of the legal regime established under the 1982 Convention, the state of the world's seas and oceans is, unfortunately, steadily deteriorating. Overexploitation of living marine resources as a result of excess fishing capacities continues to be of grave concern to the international community. That situation requires the international community to expedite the attainment of the remaining goals of Agenda 21, which was adopted 10 years ago at the United Nations Conference on Environment and Development. We emphasize the need to ensure effective coordination and cooperation with regard to integrated ocean management, in order to facilitate sustainable fisheries, to enhance maritime safety and to protect the marine environment from pollution. In that context, my

delegation notes with appreciation the Plan of Implementation of the recent World Summit on Sustainable Development, part IV of which envisioned a strategy for the future sustainable development of oceans.

As a geographically disadvantaged country bordering a sea that is poor in living resources and that suffers from the depletion of fish stocks in its Exclusive Economic Zone, Ukraine places a special emphasis on the problem of the prevalence of illegal, unregulated and unreported fisheries. We therefore strongly believe that all States should implement effective measures for the conservation, management and exploitation of fish stocks in order to protect living marine resources and to preserve the marine environment. That becomes even more important when one considers the fact that 90 per cent of the world's fisheries fall under the jurisdiction of coastal States. I should also like to underline the need for better international cooperation in that sphere, where crucial roles also belong to relevant regional organizations. In that connection, I should like to call upon regional fisheries organizations to enhance their cooperation with a larger number of States, in particular distant fishing States and geographically disadvantaged States.

My delegation attaches great importance to fisheries issues. I am pleased to inform the Assembly that, in November, the Verkhovna Rada — the Ukrainian Parliament — adopted a law on accession to the 1995 Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Further practical steps to implement the provisions of the 1995 Agreement are planned, which will include, among others, the adoption of a number of Ukrainian normative legal documents designed to enhance the State's role in conducting ocean fishing and in increasing the responsibility of vessel owners. One of those acts will establish a regime for fishing by vessels flying the Ukrainian flag in waters beyond Ukraine's jurisdiction. Another will amend and supplement existing legislation in order to enhance the procedure for licensing fishing on the seas and oceans.

The General Assembly is in a unique position to take a comprehensive overview of the complex nature of ocean-related matters. In this connection I would like to underline the importance of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We applaud the result-oriented and effective work of the three meetings held by the Consultative Process, which facilitated the General Assembly's annual review of developments in ocean affairs. Ukraine supports the continuation of the Consultative Process as an adequate forum for a substantial debate on ocean matters within the global perspective of the United Nations.

We would like to express our special appreciation to the Secretary-General for both the quality and scope of the comprehensive report under this agenda item. This report is not only a reflection of the basic principles of the United Nations Convention on the Law of the Sea (UNCLOS), it is in itself a powerful tool that facilitates international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intense and worthy of our praise.

Finally, I would like to thank the coordinators for their tireless efforts in facilitating the negotiations on the draft resolutions to be adopted later today. They reflect the recent developments in maritime affairs as well as establish the agreed approaches for enhanced cooperation in the future.

**Mr. Gopinathan** (India): My delegation welcomes the comprehensive and informative reports of the Secretary-General under the agenda item on oceans and the law of the sea. We consider the initiative for the commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea to be most appropriate. My delegation attaches the highest importance to the strengthening and effective functioning of the institutions established under the Law of the Sea Convention. We will continue to extend our full cooperation to them and to participate actively and constructively in all activities pertaining to the Convention and related agreements.

The Convention sets out the legal framework within which all activities in the oceans and seas must be carried out. It is the first major multilateral treaty on the subject negotiated within the United Nations framework whose participants included a number of newly independent developing countries. India had participated actively in these negotiations. The Convention embodies several new concepts, such as the Common Heritage of Mankind and the Exclusive Economic Zone, which were previously unknown to the corpus of international law of the sea.

Over the years, the Convention has gained greater acceptance, even from non-parties. We are happy to note the increase in the number of States parties since the last session of the General Assembly. The Convention continues to advance steadily towards universal recognition and adherence.

The International Seabed Authority has adopted the Regulations for Prospecting and Exploration for Polymetallic Nodules in the International Seabed Area (the Mining Code), and has issued contracts to the pioneer investors. As a registered pioneer investor, India signed the contract with the Secretary-General of the Authority on 25 March 2002. The Authority has now taken up for consideration the question of regulations and procedures for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the international seabed area.

We welcome the new members of the Commission on the Limits of the Continental Shelf and the beginning of the substantive phase of the Commission's work. We express satisfaction with the work of the Commission at its last session, during which it considered the submission by the Russian Federation of its extended continental shelf. As a State eligible to a continental shelf extending beyond 200 miles, under article 76 of the Convention, India is evaluating the data already available and is undertaking further necessary surveys in preparation for making its submission to the Commission.

The International Tribunal for the Law of the Sea has become a functioning judicial institution in the short span of six years since its establishment, and has already built a reputation among international lawyers as a modern court that can respond quickly. The Tribunal has already delivered judgements and orders in a number of cases which have dealt with a variety of issues involving the prompt release of vessels and crews and the prescription of legally-binding provisional measures, as well as procedural and substantive questions relating to the registration of vessels, genuine link, exhaustion of local remedies, hot pursuit, use of force and reparations.

We are happy to note that the Tribunal was in a position to deliver its judgements expeditiously in all these matters. The publications of the Tribunal, including *Basic Texts*, *Reports of Judgements Advisory Opinions and Orders*, and *Pleadings*, have been very useful in disseminating information about the Tribunal and its functioning.

It is a matter of serious concern that efforts to improve the conservation and management of the world's fisheries have been confronted by an increase in illegal, unregulated and unreported fishing activities on the high seas. These activities are in contravention of conservation and management measures adopted by regional fisheries organizations and arrangements. In areas under national jurisdiction, such activities violate the sovereign rights of coastal States to conserve and manage their marine living resources.

As a member of the Indian Ocean Tuna Commission and the Western Indian Ocean Tuna Organization, India is cooperating with other States in conservation and management measures for the fishery resources of the Indian Ocean region, in accordance with the Law of the Sea Convention. We welcome the entry into force of the 1995 Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. We are happy to inform the Assembly that the Government of India is taking steps, in accordance with its internal legal procedures, to become party to this Agreement.

The International Plan of Action adopted by the FAO Committee on Fisheries to address the phenomenon of illegal, unregulated and unreported fishing reaffirms the duties of flag States provided under existing international instruments. In addition, the Plan of Action provides for the right of port States to conduct investigations and to request information of foreign fishing vessels calling at their ports or offshore terminals, and to deny access to its port facilities if it has reasonable grounds to believe that the vessel is engaged in illegal, unregulated and unreported fishing.

We hope that the effective implementation of the 1995 Agreement and the FAO Plan of Action will help in reversing the trend of over-fishing in many areas and guarantee the enforcement of the rights of developing coastal States. Developing countries must also be provided with the necessary technical and financial support for capacity-building for the development of their fisheries.

We welcome the approach adopted at the World Summit on Sustainable Development on this matter, which focused on the need to eliminate subsidies that contribute to illegal unreported and unregulated fishing and also underscored the need for enabling the developing countries to create national, regional and subregional

capacities for infrastructure and integrated management and the sustainable use of fisheries.

A better understanding of the oceans through application of marine science and technology, and a more effective interface between scientific knowledge and decision-making, are central to the sustainable use and management of the oceans. Marine scientific research can lead to a better understanding and utilization of almost every aspect of the ocean and its resources, including fisheries, marine pollution and coastal zone management.

Accordingly, it is vital that developing countries have access to and share in the benefits of scientific knowledge on the oceans. Part XIII and XIV of the Convention relating to marine scientific research and transfer of marine technology, respectively, are of fundamental importance and need to be implemented fully. Scientific research in the maritime zones of a coastal State should, as provided in Part XIII, be conducted only with that State's prior approval and participation. Developing countries also need to be provided with the necessary assistance for capacity-building, as well as development of an information base and skills to manage the oceans for their economic development.

The increasing acts of piracy and armed robbery against ships pose a serious threat to the lives of seafarers, safety of navigation, protection of the marine environment and the security of coastal States, and they impact negatively on the entire maritime transport industry. This leads to higher costs for or even suspension of shipping services to high risk areas. We welcome the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships adopted by twenty-second Assembly of the International Maritime Organization (IMO). We also support the IMO's efforts to promote regional cooperation to address this problem, and we have participated in many meetings and seminars organized by the IMO to enhance implementation of its guidelines on preventing such attacks.

The main problem areas identified by the IMO include resource constraints on law enforcement agencies, lack of communication and cooperation between the agencies involved, and lack of regional cooperation, in addition to the problems posed by prosecution. All these constraints need to be urgently and effectively addressed by giving higher national and international priority to efforts to eradicate these crimes.

The United Nations Convention on the Law of Sea recognizes that the problems of ocean space closely interrelated and need to be considered a whole. International cooperation and coordination the most effective means of putting this fundame principle into practice. Accordingly, one can overemphasize the need for coordinated efforts at national, regional and international levels to make most effective use of available resources and to av duplication and overlap. International cooperation build capacity in the developing countries by enhanc their resources and strengthening their means implementation through transfer of environment sound technologies is equally important.

With a view to promoting such coordination cooperation, both at the intergovernmental and in agency levels, and to facilitate its annual review ocean affairs in an effective and constructive man the General Assembly, in its resolution 54 established the open-ended informal consulta process. This process has provided an opportunity in-depth discussion on a number of topics. We beli that it is an important tool which has facilitated ann review by the Assembly of overall developments ocean affairs. We support the continuation of informal consultative process, but we wish emphasize that the informal nature of the process the original mandate on the basis of which it established should be maintained.

**Mr. Hage** (Canada): Anniversaries are a time celebrate, a time to look back at past accomplishme as well as an occasion to look to the future. For m of us in this great Hall, it is amazing how fast 20 ye have gone by. Indeed, for a number here today 20 ye is but a moment in the law of the sea. Some were h at the inception of the Third United Nati Conference on the Law of the Sea in 1973, and ind a few here today began with the United Nations Sea Committee in the 1960s. Law of the sea for them more than a United Nations conference; it wa vocation. At the signing ceremony for the Un Nations Convention on the Law of the Sea (UNCL 20 years ago, Canada's Minister for Foreign Affa Allan MacEachen, stated that the Convention "m stand as one of the greatest accomplishments of United Nations".

The architects of UNCLOS deserve applause their wisdom and hard work. In this respect, I wo like to recognize the contribution of Alan Bees

Canada's Ambassador to the law of the sea negotiations, who is with us here today. He is one of that select group who were present at the creation of the Law of the Sea Conference, and as Chair of the Conference Drafting Committee he ensured the precision and coherence of the Convention we celebrate today.

Like the oceans themselves, the rules and mechanisms by which we govern the oceans are dynamic. We know from our yearly discussions on the law of the sea resolution that the Law of the Sea Convention has not resolved all the problems of man's use of the seas. In the past 20 years, the bright prospects for what seemed to be an abundant supply of fish have turned dim as fish stocks around the world have collapsed, including groundfish stocks off the Atlantic coast and salmon off the Pacific coast of Canada. The sinking of the tanker *Prestige* last month off the coast of Spain has brought home once again the realization that our use of the ocean highway can lead to environmental tragedy.

In the area of fisheries, I think it fair to say no one expected the Law of the Sea Convention to be a panacea for all the world's fishing problems. However, the Convention has demonstrated resilience in serving as a basis for necessary conservation and management measures. Canada was one of a core group of States that pursued the need for an agreement to supplement UNCLOS in order to manage straddling fish stocks. Some people say that the title of the resulting instrument in 1995 is an agreement with 63 words in it. This is a bit of an exaggeration. It is "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

The United Nations Fish Stocks Agreement is a significant achievement, and we all welcomed its entry into force last year. The wide adoption and effective implementation of that Agreement is key to achieving sustainable management of the world's fisheries. In this regard, the work of regional fisheries management organizations is crucial. There are problem signs already. The Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean was one of the first fisheries conventions to be negotiated after the adoption of the United Nations Fish Stocks Agreement. It embodies many of its principles and provisions.

We are also pleased by the continuing attention being paid by the Food and Agriculture Organization and other United Nations bodies, regional institutions and individual States to illegal, unreported and unregulated (IUU) fishing. IUU fishing cuts at the core of global and regional efforts to attain sustainable management of fish stocks. I would like to pay tribute to the Spanish Government for organizing the recent conference on IUU fishing, which made a valuable contribution in the search for solutions. Charting a way forward to minimize IUU fishing remains a challenge, one which will and can be met within the Law of the Sea Convention.

The elaboration of the United Nations Fish Stocks Agreement within that framework demonstrated an essential strength of UNCLOS. It is a structure capable of further development, one showing great foresight on the part of the law of the sea architects. There are additional areas, such as marine pollution, where the international framework is not as well developed as it could be in light of new and growing menaces to the life of the world's oceans. What is needed in these instances might well be an elaboration of law of the sea provisions in the same way as that for the United Nations Fish Stocks Agreement.

I should emphasize, however, that our own experience has shown us that no number of international instruments will be able to deal effectively with the challenges posed by our competing use of the seas, unless these agreements are implemented and complied with. The political will to comply is an essential ingredient.

One way of addressing these challenges is through the Open-ended Informal Consultative Process on Oceans. These open-ended consultations have proven to be a very useful part of the international oceans architecture. By bringing together a broad range of governmental and non-governmental stakeholders to focus on oceans issues, the process serves a unique and essential function: to find the best and most creative ways to coordinate and cooperate in the management of the world's oceans. We are very encouraged by the decision to continue with the consultative process for the next three years. Let us put it to good use.

I said at the beginning of my remarks that anniversaries are also a time to remember. Every delegation will have names of those who have passed away — as we heard the other day in the cases of

Austria and Germany. Elizabeth Mann Borgese of Canada, who died this year, was along with Arvid Pardo, the father of the Conference, one of the founders of Pacem in Maribus, peace on the oceans. She was fond of saying that she had always looked at the sea as a laboratory in the making of a new world order. I believe we are all privileged to be part of that laboratory. Let us celebrate both the commitment of States and the remarkable individuals they sent to negotiate our constitution of the oceans. Happy twentieth anniversary, UNCLOS!

**Mr. Wang** Yingfan (China) (*spoke in Chinese*): On the occasion of the commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the Chinese delegation would like to warmly congratulate, and pay tribute to, those who contributed to the negotiations and the signing of UNCLOS.

UNCLOS, signed 20 years ago, to meet humankind's needs in marine exploration, utilization and protection, with its provisions for ocean affairs, constitutes a basic legal framework for humankind's maritime activities and a new international maritime order. We are pleased to note that, with 141 countries having ratified and acceded to the Convention, its universality has been enhanced. We hope that more countries will accede to the Convention. We are also grateful to see that the three organs established under the Convention have registered remarkable progress in their work. The International Tribunal for the Law of the Sea has effectively and expeditiously handled several cases submitted it. The Commission on the Limits of the Continental Shelf has received its first submission with regard to the outer limits of the continental shelf beyond 200 nautical miles. And following the signing of contracts for exploration with seven initial investors, the International Seabed Authority has initiated work on the formulation of regulations for the prospecting and exploration of maritime resources other than polymetallic nodules, and it has stepped up maritime scientific research in the international seabed area. We support a greater role for these three organs in promoting the implementation of the Convention and in maintaining international maritime order.

The Chinese Government attaches great importance to the role of the Convention. We are of the view that discussing questions relating to the Convention in the framework of the United Nations is essential for the Convention's implementation. The United Nations Open-ended Informal Consultative Process is a result of countries' universal concern over questions, such as marine environment protection, integrated ocean management and sustainable utilization of marine resources. The Informal Consultative Process has become an important forum for all countries, including non-States parties to the Convention, to discuss and coordinate their actions on questions related to ocean affairs and the law of the sea. At the third meeting of the Informal Consultative Process last April, an in-depth discussion was held on issues, such as integrated ocean management, marine environment protection, capacity-building and regional cooperation. We welcome the positive results of the meeting. The Chinese Government supports the strengthening of integrated ocean management, which should be focused at the current stage on enhancing integrated coastal area management. We propose that the General Assembly further stress the importance of integrated marine management and urge all coastal States to take effective measures in this regard. At the same time, the General Assembly should also call on countries to redouble their efforts to protect the marine environment and to incorporate this question into their national strategies for sustainable development. In this context, it is important to strengthen the developing countries' capacity-building in maritime activities, especially their maritime monitoring capacity, so that they can implement the Convention and benefit from it. In addition, the developed countries should increase assistance and technology transfers to the developing countries, so as to encourage the latter to formulate their own plans for the development of marine science and technology.

The Informal Consultative Process has held three meetings so far. It is the view of this delegation that the process has basically served its intended purpose. Therefore, we propose that on this basis, a coordination network for ocean affairs and the law of the sea be established, with the General Assembly as its centre. Its task is to continue the consideration of the functions of relevant international organizations with respect to issues concerning the law of the sea, while focusing its work on strengthening cooperation and coordination among the organizations on ocean affairs.

The Chinese delegation believes that the entry into force of the 1995 Fish Stocks Agreement last December is help to regulate fishing on the high seas.

However, regional efforts actually hold the key to the implementation of the agreement. By taking part in the regional fishing management mechanisms and in the formulation of measures for regional fishing management, countries can resolve their differences within regional mechanisms. At the same time, in full recognition of the difficulties and special needs faced by the developing countries in implementing the Convention, the developed countries should provide them with all necessary assistance and facilities, with a view to enhancing their capability to implement the agreements and manage their fishing activities.

The Chinese delegation notes that questions such as large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, by-catch and discards and other developments are giving rise to universal concerns. China, a developing country with a large population, has an increasing domestic demand for fishery products. Therefore, the Chinese Government attaches great importance to the sustainable utilization of fishing resources. The conservation and rational use of marine living resources and the sustainable development of fishery have been our basic policies in the development of fishery. The Chinese Government has taken a series of effective steps in the conservation and management of fishing resources, which have contributed to the conservation of fishing resources in areas under our national jurisdiction. China supports greater efforts in fishing management on a fair and equitable basis in order to achieve the sustainable development of fishing worldwide.

Oceans, which cover 70 per cent of the earth's surface, are closely linked to the survival and development of countries of the world, especially the coastal States. In the context of the further development of economic globalization, it is crucial to enhance cooperation and coordination among countries and international organizations in dealing with ocean affairs. The Chinese Government is ready to act in the spirit of the Convention, to honour the commitments it has entered into and to make unremitting efforts for the implementation of the Convention and the development of the law of the sea.

**Mr. Paolillo** (Uruguay) (*spoke in Spanish*): In the preamble of the United Nations Convention on the Law of the Sea there is a brief yet accurate definition of the purposes sought by the international community in establishing a new legal order for the oceans that

> "will facilitate international communication, and will promote the peaceful use of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment". (United Nations Convention on the Law of the Sea, Preamble)

Twenty years after its adoption and eight years after its entry into force, I think it is right to ask ourselves whether the Convention has achieved these goals. The excellent reports on oceans and the law of the sea that the Secretary-General has been submitting to the General-Assembly in recent years and for which we would very much like to thank the Division for Ocean Affairs and the Law of the Sea, help us answer that question. These reports provide us with a complete picture — sometimes a disturbing one — of the situation of the oceans and seas of the world.

There is no doubt that some of the goals have been achieved. The Convention has put an end to the anarchy that had prevailed in the oceans in previous decades resulting from the many claims of States that wished to extend their sovereignty over adjacent maritime spaces along their coasts. The Convention took a great stride forward in promoting peace and security on the seas. It also laid down criteria for determining the external limits of maritime areas under national jurisdiction. It averted States from getting involved in a race to colonize international seabeds and established the legal framework in which the exploitation of those resources could be carried out in an orderly fashion on the basis of the common heritage of mankind. It laid down rules that reconcile the interests of coastal States with those of navigation and trade in an equitable way. It also set up a highly developed system for the settlement of disputes related to the law of the sea.

Furthermore, it set up institutions that are working effectively and satisfactorily. Some States have requested the International Tribunal on the Law of the Sea to settle disputes peacefully and the Tribunal has handed down decisions with all due expediency. The International Seabed Authority has awarded several contracts for the exploration of the zone after having approved the appropriate work plans. The Commission on the Limits of the Continental Shelf has received the first requests for extensions beyond the 200-mile limit and continues to provide assistance so that State parties can comply with their obligations

under article 76 of the Convention. We would like to sincerely congratulate and thank the authorities of those three institutions.

Despite this undeniable progress, the oceans continue to be the locus for multifaceted drama. Many of the problems that existed before the adoption of the Convention have yet to be resolved and others have become worse. There are still territorial conflicts that are a constant threat to international security. The ocean space continues to be seriously threatened by increasing pollution. The catastrophe along the coast of northern Spain and its adjacent maritime waters, and possibly the maritime regions of Portugal, is just one more episode in the destructive process that has been produced by human activity in the seas and has increased over recent decades. Information provided by the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) and the Global Conference on Oceans and Coasts at the Rio+10 Conference is truly alarming, especially when they list the effects of pollution, including massive contamination of broad ocean spaces, the decline and even disappearance of some species, the destruction of stands of mangroves and coral reefs, increasing eutrophication and climatic changes.

The entry into force of the 1995 Agreement on Straddling and Highly Migratory Fish Stocks and the recent reduction of large-scale pelagic drift-net fishing activities have all been positive signs. But illegal, undeclared and unregulated fishing continues to have a strong adverse effect on attempts to preserve and ensure sustainable use of the living resources of the sea. The authors of the Convention had not foreseen the rise and scope of crime on the oceans and seas of today.

The international community must deal with these critical situations as a matter of urgency with a view to halting the deterioration of the marine environment, the exhaustion of living resources and the increasing insecurity. But the production of new instruments and new rules is not the answer — at least not a sufficient one. This situation should not be attributed to gaps or inadequacies in the new law of the sea. The Convention, together with other international instruments, whether binding or not, provides a legal framework that is sufficiently complete to enable peaceful utilization and sustainable development of ocean spaces and their resources. Obligations under the existing new legal order should be complied with. In certain sectors new standards could be established and existing ones updated, but in truth there are no great gaps in the law of the sea. The many instruments that exist must be ratified and implemented effectively.

It has been said repeatedly that there is a difference between the large-scale development of the law of the sea at the regulatory level and the unsatisfactory development at the implementation level. This leads us to the unavoidable conclusion that the main job in future is not to produce more international instruments but rather to find ways and means to encourage the international community to comply with the obligations flowing from existing international norms. In this connection, as in so many other areas of international cooperation, States have only gone halfway towards solving the problems that we all share. They enter into commitments, then they find that they cannot or do not wish to implement them or only implement them partially.

It is timely that draft resolution A/57/L.48 reiterates the appeal to States to become parties to the Convention, harmonize their national legislation with the provisions therein, ensure that they are implemented properly, improve implementation of international agreements and promote conditions that will ensure the implementation of voluntary instruments.

It is clear that the failure of States to comply is not due in many cases to the lack of political will, but rather to a lack of information, of trained personnel, of equipment, the absence or weakness of national institutions or insufficient national legislation. This is why we have noted with satisfaction that the draft resolution recognizes that developing countries, generally speaking, are at a disadvantage in terms of complying with the obligations emanating from the new Law of the Sea. We see that several operative paragraphs, all of which are in part X of the draft resolution (A/57/L.48/Rev.1), contain recommendations to enhance capacity, particularly that of developing countries, so that they will be in a position to apply the Convention and benefit from a sustainable utilization of oceans and seas.

The fundamental task ahead of us is to ensure that we can enhance the level of implementation of the Convention, in compliance with its obligations and those of its complementary instruments, inter alia, by increasing and streamlining assistance to developing countries that need it. This task cannot wait.

In our celebration of the twentieth anniversary of the opening for signature of the Convention, we can

recall that in 1967, when delivering the address that began the process that would culminate many years later in the adoption of the Convention, the Ambassador of Malta, Arvid Pardo, called upon nations of the world to keep their eyes open to the dangers that threatened devastation of the oceans. That was 35 years ago. Thirty-five years later, the dangers remain. It is time for us to open our eyes before it is too late.

**Mr. Slade** (Samoa): I have the honour to speak on behalf of the 37 member countries of the Alliance of Small Island States (AOSIS) that are represented in the United Nations.

Islands inhabit the oceans, both being integral parts of a single environment exerting vital influence one upon the other. It is the ocean that shapes people, their traditions and culture; it is the ocean that promises opportunities for the future.

We take seriously the fact that our communities are acknowledged custodians of large areas of the world's oceans and seas. Islands have a high share of globally vital biodiversity, now increasingly under pressure; and our countries are at the forefront in the struggle against climate change. These factors point to a complicated web of local and global issues and the obvious need to take an integrated approach in dealing with them.

They are the factors that colour our perception of the equities, obligations and responsibilities of nations for the oceans and its resources. They are the reasons that determine our concern for the order, peace and security of the oceans.

We want to thank the President of the Meeting of States Parties, Ambassador Don MacKay of New Zealand, and his high-level committee for the splendid events begun yesterday to mark the twentieth anniversary of the United Nations Convention on the Law of the Sea (UNCLOS).

The occasion is one of celebration. It is one also of reflection — on the contributions made in the development of the Convention; and of the achievements and challenges in two decades of experience. We need also to look ahead towards the next decade and beyond, and move to address the most pressing issues now affecting our oceans.

Let it be recalled that the Convention is the Convention of Montego Bay — the fact that it was proclaimed in Jamaica is testimony to the importance that all island States place on the Convention. Indeed, it is a fitting tribute to Jamaica and to the very significant contribution that nation has made to the development of the Convention that Jamaica is home to the International Seabed Authority.

Small island States participated actively in the negotiations of the Convention. One can point to the provisions on the regime of islands, as one can to other provisions in the Convention, as among the several areas to which island delegations have made important and substantive contributions.

The countries of our Alliance feel especially honoured and proud to recall the historic and rightly celebrated roles played by Professor Arvid Pardo of Malta and by Ambassador Tommy Koh of Singapore — and by other distinguished statesmen and personalities of island States. Many, like Judge Dolliver Nelson of Grenada, President of the International Tribunal for the Law of the Sea; Ambassador Satya Nandan of Fiji, Secretary-General of the International Seabed Authority; Judge Lennox Ballah of Trinidad and Tobago; and Judge Jose Luis Jesus of Cape Verde, continue the fine tradition of distinguished service and contribution.

More generally, we celebrate UNCLOS for what it is — a monumental global achievement — in its vision, innovation and ambition. The Convention has withstood the challenges and stresses of the past 20 years and remains the cornerstone of order, peace and security in the oceans. The Convention is about the importance and the credibility of the United Nations itself, for it stands as a reaffirmation of the principles of the Organization.

Bearing in mind the recent ratifications, including that of our sister State Tuvalu, we note with satisfaction that the Convention is now near universal in its acceptance by the international community, and we look forward to the day when it truly is.

The Convention sets the legal order and the framework; it is both comprehensive and integrated, and provides for a sound and balanced basis for national, regional and global efforts. We all need to ensure that it is made fully effective through uniform implementation and in a manner that preserves its integrity and character.

The Convention occupies a central place in the development aspirations of small island developing

States. The regime of the exclusive economic zone, in particular, is a major reservoir of resources and opportunities. The challenge for our countries, and no doubt for others, is to overcome the capacity and the technological constraints that prevent our communities from fully and effectively utilizing this area.

The provisions for the regime of islands had an important bearing in the recognition in Agenda 21 of the intrinsic link between oceans and island States. Chapter 17 of Agenda 21 gave international acknowledgement of the "special case" for small island developing States. This has been the backbone of the Barbados Programme of Action for the sustainable development of all small islands.

More recently, at the World Summit on Sustainable Development in Johannesburg, international agreement was reached on a range of commitments and timetables, among others, to maintain or restore depleted fish stocks and to reduce over-fishing, and for the application of the ecosystem approach for the sustainable development of the oceans. There was also agreement on the need for coordinated implementation of the various conventions, treaties and agreements dealing with marine biodiversity, pollution, scientific research and the safety and protection of the marine environment.

These are matters that fall within the ambit of the Convention and are in line with its provisions. We would underscore the need to ensure a connection between the legal dimensions of rights and obligations set out under the Convention, and the substantive programmatic dimensions with regard to the sustainable development provided for in Agenda 21, and now in the Johannesburg plan of implementation. In that respect, our countries welcome the steps outlined in draft resolution A/57/L.48 on oceans and the law of the sea and in the two fisheries draft resolutions, A/57/L.49 and A/57/L.50, towards implementing the Plan of Johannesburg. We appreciate in particular the call made in the draft resolution on the oceans to halt the loss of marine biodiversity and the emphasis placed on integrated regional approaches to oceans issues.

The vastness and complexity of the oceans pose real problems of implementation for all countries. That is certainly the case with island countries, especially because of the absence of skills and resources. Ensuring a broad range of capacity-building activities remains a high priority for all small island developing countries.

I should say, though, that we are making every effort to cope. Regional mechanisms and approaches developed over the past 20 years have yielded useful and positive results in all our regions. These are practical measures of cooperation and are possibly the only realistic options available to small countries such as ours. In many instances, as with the Caribbean Community (CARICOM) Regional Fisheries Mechanism and the recently developed Pacific regional oceans policy, countries of the region are themselves taking the initiative. We thank our development partners and the international community for their assistance and support, and we invite their continuing engagement.

The marine and coastal areas are among the most essential to human life; they are also the most threatened by pollution. Healthy marine and coastal systems are absolute prerequisites for the sustainability of island countries. We place the highest priority on this issue, and we will continue to press our interests and concerns, including through the Global Plan of Action for the Protection of the Marine Environment from Land-based Activities and the work of the Open-ended Informal Consultative Process on oceans and the law of the sea.

The countries of our alliance welcomed the establishment of the Consultative Process, and we have given it every possible support. It has been a privilege for me personally to have played a part in co-chairing the Consultative Process in its first three meetings to date. As would be apparent from the reports of the Consultative Process to the General Assembly, the latest of which is contained in document A/57/80, we believe that this has been a most useful and positive development in reviewing and evaluating the implementation of the Convention, and our group is very pleased that the work and contribution of the Consultative Process has been recognized and that it is to be continued.

Activities pertaining to the oceans and the law of the sea in the past 20 years have been so wide-ranging that it would have been nearly impossible to keep an informed perspective of developments without the Secretary-General's annual report. It is a report of quality, skilfully assembled, its coverage and the efforts to make it as current as possible being quite outstanding. We extend to the Secretary-General, to Mrs. Annick de Marffy in particular, and to all our colleagues in the Division for Ocean Affairs and the Law of the Sea our highest appreciation and compliments.

**Mr. Bocalandro** (Argentina) (*spoke in Spanish*): The Argentine Republic is very pleased to be participating in this commemoration. The United Nations Convention on the Law of the Sea (UNCLOS) has been a source of benefits and challenges for Argentina. The establishment of its sovereign rights over the natural resources in its exclusive economic zone and its continental shelf has led to enhanced well-being for its inhabitants and positive expectations for future generations.

Argentina has more than 4,834 kilometres of coastline, an exclusive economic zone of more than 1.5 million square kilometres and probably more than 2 million square kilometres of continental shelf. The expanse of those maritime spaces and the fact that Argentina, Brazil and Uruguay are the coastal countries of the South-West Atlantic, pose challenges that my country assumes responsibly, applying international law along with domestic norms that are in keeping with it.

Argentina has adopted, inter alia, the law on baselines and maritime spaces, the federal fishing regime, the law on scientific and technical research in jurisdictional waters, the regime on the collection of living marine resources in the area of implementation of the Convention for the Conservation of Antarctic Marine Living Resources, the law on the prohibition of cetacean hunting and the law on the establishment of the Commission on the Outer Limits of the Continental Shelf.

We have made great progress in delimiting the outer limits of the continental shelf. This work is being carried out under our national Commission for the Outer Limits of the Continental Shelf. The extension of the deadline for submissions to the UNCLOS Commission on the Limits of the Continental Shelf has facilitated the work of countries facing financial or technical difficulties with such delimitation.

We value the activities of the Food and Agriculture Organization of the United Nations in the area of fishing. We participated in the drafting of the Code on Responsible Fisheries and of the Plans of Action, particularly that with regard to illegal, unreported and unregulated fishing. We hope that, soon, the 1995 Implementation Agreement will enter into force, to which we are a party, thus facilitating a better definition of the duties of flag States, transparency in the management of high seas fishing and the fight against double registry. Argentina takes an active part in the work of the International Whaling Commission. Articles 65 and 120 of the Convention on the Law of the Sea provide the framework for acknowledging its competence.

Since it ratified the Convention, Argentina has stressed the need to better regulate maritime transport of radioactive material. The norms and recommendations of the International Maritime Organization (IMO) and the International Atomic Energy Agency have constituted significant progress in that regulation. However, new threats call for continuing the drafting of norms for the security of that type of transport.

There are new international realities that we must face. In that regard, we join those who believe it is necessary to reconsider the scope of some norms of the law of the sea in order to confront international terrorism. In that regard, the IMO is moving towards a better understanding and greater control of States over the operators of their flag vessels and towards updating the authority of port States.

We have also ratified the additional Protocol of the United Nations Convention against Transnational Organized Crime against the smuggling of migrants. We also underscore the cooperation norms of the 1988 United Nations Convention against the Illicit Traffic in Narcotic Drugs, which supplement those in the Convention on the Law of the Sea.

The 1982 Convention stipulates that there should be cooperation on the suppression of piracy. If it were necessary to further clarify that obligation, it would be necessary to negotiate new rules in order to avoid anomalous or extensive interpretations of international law.

Argentina has significantly increased its knowledge of its maritime spaces and has facilitated scientific research programmes by third States. The Convention has definitely contributed to that development. We stress the valuable role played by the Intergovernmental Oceanographic Commission in that matter.

The tendency to favour operational oceanography — a concept that is not included in the Convention and which includes oceanographic activities essentially aimed at compiling information in real time for the provision of services such as weather and marine forecasts — requires measures to channel activities that provide adequate participation for coastal States, in conformity with international law.

We note that the mechanism for the transfer of maritime technology set out in part XIV has not been implemented. This issue has become particularly sensitive in recent years, in view of the renewed interest in the effects of climatic, oceanic and coastal processes on life on earth.

The adoption by the Authority of the Mining Code was a key step. The Authority must continue to work to elaborate environmental norms and recommendations for the parties. Environmental guidelines are an initial step towards a system of regulations that would take shape gradually as knowledge of the zone increases. We reiterate our support for the Authority and urge States to contribute to its work.

We believe that the Meeting of States Parties to the Convention is the appropriate forum for its interpretation and the consideration of its functioning and implementation. To claim that the Meeting is purely administrative in nature does not take into account the sovereign character of the parties nor the scope of their responsibilities. We must preserve the integrity of the Convention, and its parties must be very careful not to attempt to rewrite it following that Meeting.

The General Assembly has established the Open-ended Informal Consultative Process as a forum whose members can suggest particular issues that should be addressed by the specialized agencies of the system. Argentina has supported this process and will continue to do so.

The Secretary-General considers that the United Nations Secretariat has become a kind of de facto secretariat for the Convention. We welcome this development if it involves the centralization of activities. However, such a function cannot and should not include any assessment of the harmonization of national norms with the Convention on the Law of the Sea. Such an assessment is the responsibility of States, which have not delegated it, except as stipulated in part XV of the Convention.

The specialized agencies should not have their own agendas in dealing with issues related to the law of the sea. We must avoid any thematic autarchy on the part of agencies, which could lead to problematic situations affecting all Members. It is particularly difficult for those countries that do not have sufficient resources to deal with "itinerant negotiations" of ocean issues. The most important meetings must be held at the headquarters of agencies, where specialists are located.

We are aware of the increasing importance of the work of the non-governmental organizations in the formulation of proposals on ocean-related issues. Argentina wishes to maintain a productive dialogue with them.

We commend the work of the International Tribunal for the Law of the Sea, a juridical body that is gaining increasing importance as a mechanism for the resolution of controversies with particular competence in areas regulated by the Convention.

Finally, the 1982 Convention entrusted the Commission on the Limits of the Continental Shelf with a very sensitive mandate. This role is of major importance and requires maximum efficiency, scientific rigour and transparency in the Commission's decisions and deliberations. Likewise, the presence of Argentine experts in the Tribunal, the Commission on the Limits of the Continental Shelf, and the Legal and Technical Commission of the International Seabed Authority is clear evidence of our commitment to the bodies created by the Convention.

We pay tribute to the negotiators of the Third Conference on the Law of the Sea. That process will be go down as one of the most complex negotiations in the history of contemporary international relations. Its successful outcome was achieved through the efforts of persons whose wisdom made it possible to strike the delicate balance of interests emanating from that Convention. We hope that this example will be followed in other areas of international law which could also benefit from such wisdom.

**Ms. Taylor Roberts** (Jamaica): I have the honour to make this statement on behalf of the 14 member States of the Caribbean Community (CARICOM) that are Members of the United Nations, on this, the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

CARICOM member States also wish to associate themselves with the statement made by the Permanent Representative of Samoa on behalf of the Alliance of Small Island States.

For Jamaica, this occasion has special significance. It was in Montego Bay, on Jamaica's North Coast, where, after many years of debate and spirited discussions, the Convention was finally opened for signature in 1982.

CARICOM States wish to pay special tribute to Malta, a fellow small island State, and in particular to

the late Ambassador of Malta to the United Nations, Mr. Arvid Pardo, to whom we must give credit for the emergence of the concept that saw the ocean and its resources beyond the limits of national jurisdiction become the common heritage of mankind. We must also pay tribute to some of the eminent persons from the Caribbean Community — Judge Lennox Ballah of Trinidad and Tobago; Judge Doliver Nelson of Grenada; Mr. Kenneth Rattray and Judge Patrick Robinson of Jamaica; and the late Judge Edward Laing of Belize — for their important contribution to the Convention's development.

CARICOM member States welcome this opportunity to underscore the importance of the Convention, which provides the overall legal framework for ocean activities. Twenty years later, UNCLOS remains the signal expression of the international community's commitment to the effective management and protection of the resources of the world's oceans and seas. The Convention seeks to ensure equity and justice in the exploitation of this shared patrimony.

In thanking the Secretary-General for his report to the fifty-seventh session of the General Assembly, we wish to commend the Division for Ocean Affairs and the Law of the Sea for its excellent work in coordinating and monitoring the many and varied activities relating to the use of the oceans and seas. We note with satisfaction the fact that the three institutions created by the Convention are carrying out their mandate effectively.

The International Seabed Authority, having developed rules and regulations for the exploration of polymetallic nodules in the Area, has now issued contracts for exploration of these minerals. We look forward to the time when there will be commercial exploitation of such minerals. In addition, the Authority has begun to examine the feasibility of exploration of other minerals in the Area. The International Seabed Authority must further be commended for the number of training programmes on the technical and scientific aspects of deep-sea mining which it has organized.

The resort by States parties to the International Tribunal for the Law of the Sea for the settlement of disputes, since it was constituted in 1986, is an indication of the importance which States parties attach to the Tribunal and to the development of the jurisprudence of this institution.

The work of the Commission on the Limits of the Continental Shelf in developing guidelines for countries wishing to make claims in respect of the outer limits of the maritime zone under national jurisdiction has been extremely useful. We give our full support to the Commission as it deliberates on the first submission, made by Russia, for an extended continental shelf.

For CARICOM countries, the effective implementation of UNCLOS and the related agreements is constrained by scarce resources and limited capacity. As indicated in the Secretary-General's report, this challenge is faced by other States. Such factors have had an adverse impact on their ability to effectively implement, and thus benefit from, the provisions of the Convention.

In forums where issues concerning the oceans and seas are discussed, there are frequent calls for countries to accede to or ratify the Convention. CARICOM countries have heeded these calls and all 14 member States have made it a priority to ratify the Convention. In fact, in the wider Caribbean and Latin American region, we can claim over 80 per cent ratification.

Despite the resource constraints, CARICOM countries have made encouraging progress in their efforts at sustainable management and use of the ocean's resources. These efforts have been complemented by support from countries such as Canada, Japan, Norway and the United States and European Union countries, as well as from international agencies, including the International Maritime Organization, the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Environment Programme (UNEP) and the United Nations Educational, Scientific and Cultural Organization.

We share the view expressed by the AOSIS Chairman that the regional approach can be an effective tool in promoting cooperation and encouraging implementation. In this regard, we would like to mention some of the regional instruments, such as the Caribbean Regional Fisheries Mechanism, which was established to assist CARICOM countries in their efforts to achieve the sustainable management and development of fishery resources.

Caribbean countries have agreed to collaborate in the implementation of a system of port State control to ensure that sub-standard shipping is eradicated from

the region. We are aware that problems of open registry and illegal, unreported and unregulated fishing also affect some countries in the region and will therefore require our attention.

There is also an important need for new approaches to marine science, technology and fisheries management systems, which are more appropriate to small island developing States and developing countries in general. This issue needs to be addressed meaningfully within the context of the implementation of the Convention.

Article 123 of the Convention outlines the duties of States bordering enclosed or semi-enclosed seas. In order give effect to this provision, CARICOM States have taken steps to develop regional initiatives for the protection of the marine environment. UNEP, through its Regional Seas Programme, assisted Caribbean countries during the process of the development of the Protocol to the Cartagena Convention concerning the protection of the marine environment from pollution from land-based sources and activities. The Protocol has established a number of principal and priority actions necessary to improve the marine areas of the wider Caribbean region. These relate to areas such as domestic sewerage, oil refineries, food processing and chemical industries.

The International Maritime Organization continues to support the efforts of Caribbean countries to develop and upgrade their national maritime administrations, for which CARICOM countries express appreciation. These programmes will assist us to implement the treaties and instruments dealing with maritime safety, the protection of the environment and the facilitation of international maritime traffic.

The Caribbean Community Climate Change Centre, established as a legal entity by CARICOM heads of Government, has as its overall objective the support of CARICOM countries' efforts to cope with the adverse effects of global climate change, in particular sea-level rise in coastal areas.

CARICOM Governments would like to commend Mexico for organizing, in May 2002, the Conference on Maritime Delimitation in the Caribbean to facilitate negotiations on maritime boundary delimitation in the region. The areas within the jurisdiction of many CARICOM States are characterized by overlapping claims, and the successful conclusion of negotiations will have a positive impact on the management and economic use of the marine resources. The involvement in this initiative of the Division for Ocean Affairs and the Law of the Sea must also be commended.

The inadequacy of the protection offered to en route coastal States by existing regulations governing the transport of hazardous wastes continues to be of major concern to CARICOM countries. We wish to reiterate our profound concern about the use of the Caribbean Sea as a trans-shipment route for such hazardous substances, given the semi-enclosed nature of the sea and the potentially devastating long-term consequences of any accident involving such dangerous cargo. We should recall that CARICOM member States rely to a large extent on the surrounding sea as a major contributor to their economies, including fishing and tourism. Efforts must therefore continue in the appropriate forums to address this issue.

The Caribbean countries, in conformity with UNCLOS, are developing an integrated management approach to the Caribbean Sea in the context of sustainable development. It is our view that the Caribbean Sea and its fragile ecosystems can no longer sustain the immensity of the demands placed upon them without a holistic and integrated management approach. It is expected that the working group established under the auspices of the Association of Caribbean States will compile a report on its efforts to implement the initiative, and this will be made available to the General Assembly at its fifty-ninth session in 2004.

The Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which was undertaken during the past three years, proved to be an effective vehicle for affording the international community the opportunity for more focused consideration and discussion of several key issues relating to oceans and seas. We therefore support the continuation of the process over the next three years. CARICOM member States also take this opportunity to commend the Co-Chairmen of the process — Ambassador Slade, Permanent Representative of Samoa, and Mr. Alan Simcock of the United Kingdom — for the efficient way in which they conducted the work of the sessions.

There is no doubt that the United Nations Convention on the Law of the Sea provides a sound basis for the sustainable management and use of the ocean and its resources. The Convention is a key

element in facilitating cooperation between countries and contributes to the advancement of peace and security. These goals, however, can be fully achieved only if there is universal acceptance of the Convention.

**Mr. Sun Joun-yung** (Republic of Korea): On behalf of the Government of the Republic of Korea, I would like to express my appreciation to Ambassador Don MacKay and the high-level committee, and all those who contributed to the success of this commemorative twentieth anniversary meeting of the opening for signature of the United Nations Convention on the Law of the Sea. Our gratitude also goes to the Secretary-General and to the staff of the Division for Ocean Affairs and the Law of the Sea for their report on oceans and the law of the sea (A/57/57 and Add.1).

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the Agreement relating to the Implementation of Part XI of the Convention constitute essential instruments of the law of the sea that govern the new maritime order for the international community. With its entry into force, on 16 November 1994, UNCLOS virtually became the Magna Carta of the oceans. My delegation is pleased to note that 138 countries have become States parties to UNCLOS and that the Agreement relating to the Implementation of Part XI of the Convention now has 108 States Parties. Indeed, the world is entering the era of a new maritime order based on near-universal adherence to the United Nations Convention on the Law of the Sea.

The Convention contributes significantly to the maintenance and strengthening of international peace and security, as well as to the sustainable use and development of the seas and their resources. In order to ensure the development of a stable and peaceful maritime order, the Convention's universal acceptance and its uniform and consistent application are essential. Therefore, my delegation appeals to those countries that have not yet done so to become parties to the Convention as well as to the Agreement as soon as possible.

The Twelfth Meeting of States Parties to the Convention, held in April this year, discussed the matter of strengthening its role, which is currently limited to administrative and financial topics. While understanding the view of some States that — owing to the lack of specific provisions in the Convention — the Meeting is not a suitable forum for discussing substantive matters, my delegation supports strengthening the Meeting's role by way of discussing substantive matters. The Meeting is the supreme forum created by the Convention, and it is our view that the lack of specific provisions does not mean that substantive matters cannot be deliberated at the Meeting. We have seen similar cases of other international organizations that have devised and assumed new roles and functions as a result of the will of States parties.

My delegation believes that cooperation among neighbouring coastal States is indispensable for the effective management of the sea under the Convention. Since the Convention entered into force in 1994, a new maritime order has been emerging in North-East Asia. We are pleased to note that the three littoral States in North-East Asia — China, Japan and the Republic of Korea — have concluded a trilateral fisheries agreement, leaving the final delimitation of the Exclusive Economic Zone pending among themselves. In recognition of the growing importance of maritime delimitation, negotiations are currently under way with neighbouring States in the region on the Zone's boundary delimitation.

In conclusion, my delegation would like to emphasize the importance of UNCLOS and of cooperative relations among States parties to the Convention. To ensure the peaceful use of the oceans and marine resources and their conservation for future generations, the cooperation of the international community is also important. As a peninsula, Korea has traditionally been highly dependent on marine living resources and on maritime transportation, and it has made earnest efforts to enhance ocean management in accordance with the provisions of the Convention. I should like to reiterate my Government's commitment to the promotion of an orderly and stable regime of the oceans in the spirit of the mutual understanding and cooperation that form the basis of the Convention.

**Mr. Ishmael** (Guyana): First of all, I want to associate my delegation with the statement made earlier by Jamaica on behalf of the delegations of the Caribbean Community. It is a great honour for my delegation to participate in this special meeting of the General Assembly to commemorate the twentieth anniversary of the opening for signature of the Law of the Sea Convention.

The history of the settlement and development of Guyana is linked strongly to the Atlantic Ocean. Guyana

has a total area of approximately 216,000 square kilometres and a population of approximately 700,000 people, most of whom live in the alluvial coastal belt. The coastal plain, covering an area of some 5,000 square kilometres, is approximately 1.3 metres below high-tide level and supports more than 80 per cent of the country's population and the major economic activities.

The integrated management and wise use of the oceans and of the coastal zone are therefore of critical importance to Guyana's development. We have taken steps to develop our capacity for the management of our marine biodiversity and coastal resources through the establishment of the Environmental Protection Agency in 1996 and the strengthening of the Fisheries Department of the Ministry of Fisheries, Crops and Livestock. The Guyana Environmental Protection Agency recognizes the high global biodiversity value of the coastal zone in Guyana and the importance of the development of those resources, which are fundamental to the country's future.

The Convention on the Law of the Sea is of special significance to Guyana. International waters constitute a major area of focus and are covered by a range of conventions, treaties and agreements. The Convention, which entered into force in November 1994, sets out a legal framework within which all activities on the oceans and seas should be undertaken. The Convention is enhanced and reinforced by a network of global and regional agreements concerning seas, pollution, wetlands, protected areas, fisheries, hazardous substances, biodiversity and climate change, among other matters. The recognition of its universal importance cannot be overemphasized, and the Government of Guyana welcomes the increasing number of States parties ratifying the Convention. We call on all Member States to fully join the Convention on the Law of the Sea.

The 1998 report of the Independent World Commission on the Oceans pointed out that life on our planet is heavily dependent upon the oceans. The report further indicated that the traditional view of oceans as a source of wealth and abundance is mistaken and that the fundamental challenge to be addressed is their vulnerability and scarcity as a resource. In the current global drive to eliminate malnutrition, hunger and poverty, the importance of water as a primary and global resource was recognized by the international community at the recently concluded World Summit on Sustainable Development, held at Johannesburg, South Africa. The degradation of the quality of transboundary water resources, physical habitat, coastal and near-shore marine areas and watercourses, and excessive exploitation of biological and non-biological resources must be urgently addressed. In addition, the Secretary-General's comprehensive report, contained in document A/57/57, and the publication of the Convention's secretariat, "Oceans: the Source of Life", highlighted many of the problems which have preoccupied the negotiators over the past 24 years and which still require urgent attention. These problems include pollution from ships, ocean dumping, piracy and armed robberies, drug trafficking and human smuggling.

These issues pose complex developmental challenges for small open economies like ours in the Caribbean, and transcend national boundaries. With respect to countries with adjacent coastlines, where maritime boundaries are still not settled, serious thought must be given, pending mutually agreed settlements, to the establishment of joint maritime development zones, to garner the existing resources of the continental shelf. However, this matter must be addressed holistically, in a balanced perspective that ensures peace, stability and the promotion of sound economic growth and sustainable development for the countries involved.

We recognize that oceans are not homogeneous water masses; significant diversity arising from the ocean water currents, the extent of the shelf, dynamics of the shore, banks, reefs and estuaries affect the challenges of the sustainable ocean and coastal development.

The Government of Guyana recognizes that scientific advances and technological development will continue to open untapped potential for the use of coastal offshore and exclusive economic zones, and deep ocean areas. To address these needs and the challenges of the vulnerability of ocean resources, developing countries, particularly small States and the least developed countries, require new resources to enhance their capacity to manage the existing level of development in a well-integrated manner. This will enable developing countries to pursue opportunities for economic development of the coast and oceans, while protecting their ecological integrity and biodiversity.

The Convention on the Law of the Sea has played a major role in streamlining the short and long-term developmental goals at the national and regional levels

through the establishment of clear objectives, principles and frameworks that produce concrete results based on expert advice for effective management and decision-making.

The Convention has produced a number of important and valuable innovations, the most valuable of which being the exclusive economic zone which provides coastal States with everything of value in the water column and the subsoil. This is certainly conducive to a more equitable distribution of marine resources worldwide, and is especially welcomed by developing countries which can now enlist these resources in the cause of enhancing the quality of life of their people, instead of seeing them monopolized by a handful of long distance fishing fleets profiting from a constricted territorial sea.

There is provision in the Convention for the ultimate authoritative demarcation of the continental shelf beyond 200 nautical miles — a functioning committee, using the most sophisticated and relevant scientific criteria, dedicated to determining appropriate demarcations and thereby preventing serious disputes that might otherwise arise.

We must not lose sight of the efforts of Ambassador Arvid Pardo of Malta, who conceived the concept of the common heritage of mankind, consisting of mineral resources beyond the limits of national jurisdictions, the benefits of which will, in time, accrue to the economies of developing countries.

Finally, Guyana has high praise for the International Tribunal for the Law of the Sea and the jurisdiction that has been accorded it, believing that this will serve both to facilitate marine development and contribute to the maintenance of international peace and security by resolving conflicts between States that fall within its competence.

In closing I would remind this august assemblage that Guyana, as one of the earliest ratifiers of the United Nations Convention on the Law of the Sea, takes great delight in these proceedings, confident that the road ahead will bring us to a full realization of all of the constructive possibilities inherent in the Convention for the benefit of humankind everywhere.

*The meeting rose at 6.10 p.m.*